THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.27607 OF 2005

Dt.27.12.2005

Between:

Boyalapalli Rajamma

… Petitioner

And

The District Collector (CS),

Prakasam District at Ongole and

5 others … Respondents

ORDER:

Heard the learned counsel for the petitioner, the learned Government Pleader for Civil Supplies and the learned counsel appearing on behalf of respondents 5 and 6.

The authorization of the petitioner has been cancelled by the Revenue Divisional Officer, Markapuram, vide order dated 7.10.2004 on the ground that the petitioner has been selling essential commodities at higher price and not distributing the commodities properly and giving as per tins causing inconvenience to the general public. As against the said order, the petitioner filed an appeal before the Joint Collector, Ongole and the appellate authority set aside the said order on the ground that the said allegations are vague and not specific and, however, the charges are not grave in nature and they are not proved in accordance with law and accordingly allowed the

appeal by order dated 4.10.2005. Aggrieved by the said order of the appellate authority, respondents 5 and 6, cardholders of Miriyampalli village, filed revision before the Collector and the revisional authority while admitting the revision stayed the operation of the order of the Joint Collector.

I have set aside similar such orders in a batch of writ petitions on the ground that when the petitioner has succeeded before the appellate authority and when the charges are not grave and serious in nature, it may not be just and proper to stay the order of the appellate authority.

Having regard to the facts and circumstances of the case, the order of the revisional authority dated 25.11.2005 staying the order of the Joint Collector is set aside and the revisional authority may consider and dispose of the main revision itself after giving reasonable opportunity to the petitioner as well as respondents 5 and 6 in accordance with law. Till then, the petitioner shall be permitted to distribute essential commodities.

The writ petition is accordingly disposed of. No costs.

(V.ESWARAIAH, J.)

27.12.2005

Note: Issue copy within two days

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